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**Introduced by Senator Soto**

February 21, 2003

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An act to amend Section 1798.3 of the Civil Code, relating to the Information Practices Act of 1977.

LEGISLATIVE COUNSEL'S DIGEST

SB 822, as introduced, Soto. Information Practices Act of 1977.

The Information Practices Act of 1977 generally regulates the maintenance and dissemination of personal information by state agencies.

This bill would make nonsubstantive, technical changes to a provision of that act.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1798.3 of the Civil Code is amended to  
2 read:

3 1798.3. As used in this chapter:

4 (a) The term "personal information" means any information  
5 that is maintained by an agency that identifies or describes an  
6 individual, including, but not limited to, his or her name, social  
7 security number, physical description, home address, home  
8 telephone number, education, financial matters, and medical or  
9 employment history. It includes statements made by, or attributed  
10 to, the individual.

(b) The term “agency” means ~~every~~ *any* state office, officer, department, division, bureau, board, commission, or other state agency, except that the term agency ~~shall~~ *does* not include:

(1) The California Legislature.

(2) Any agency established under Article VI of the California Constitution.

(3) The State Compensation Insurance Fund, except as to any records which contain personal information about the employees of the State Compensation Insurance Fund.

(4) A local agency, as defined in subdivision (b) of Section 6252 of the Government Code.

(c) The term “disclose” means to disclose, release, transfer, disseminate, or otherwise communicate all or any part of any record orally, in writing, or by electronic or any other means to any person or entity.

(d) The term “individual” means a natural person.

(e) The term “maintain” includes maintain, acquire, use, or disclose.

(f) The term “person” means any natural person, corporation, partnership, limited liability company, firm, or association.

(g) The term “record” means any file or grouping of information about an individual that is maintained by an agency by reference to an identifying particular, such as the individual’s name, photograph, finger or voice print, or a number or symbol assigned to the individual.

(h) The term “system of records” means one or more records, ~~which that~~ *which that* pertain to one or more individuals, ~~which that~~ *which that* maintained by any agency, from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(i) The term “governmental entity,” except as used in Section 1798.26, means any branch of the federal government or of the local government.

(j) The term “commercial purpose” means any purpose which has financial gain as a major objective. It does not include the gathering or dissemination of newsworthy facts by a publisher or broadcaster.

(k) The term “regulatory agency” means the Department of Financial Institutions, the Department of Corporations, the Department of Insurance, the Department of Real Estate, and

- 1 agencies of the United States or of any other state responsible for
- 2 regulating financial institutions.

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